

Appln. No. 09/889,936
Amd. dated April 3, 2006
Reply to Office Action of October 6, 2005

REMARKS

The Office Action and the cited and applied reference have been carefully reviewed. No claim is allowed. Claims 79-81 and 83-140 presently appear in this application and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

The face-to-face interview between the undersigned and Examiners Nolan and Yang on February 24, 2006, is gratefully acknowledged. The prior art (of record and newly presented) and the claim amendments that would overcome the prior art and the indefiniteness rejections were discussed. While no ultimate agreement was reached, the examiners indicated that if the antibody claims are directed to an antibody or antibody fragment that at least comprises defined heavy and light chain variable region sequences (SEQ ID NOs:6 and 8), then such antibody claims would appear to be allowable. At the interview, it was also confirmed at least with regard to method/process claims (claims 115-140) that, upon allowance of a product claim, i.e., claim 79, method/process claims dependent from this allowable product claim or which include all the limitations thereof would be rejoined for further consideration in accordance with MPEP

Appln. No. 09/889,936
Amd. dated April 3, 2006
Reply to Office Action of October 6, 2005

821.04 (a) and (b). A separate teleconference with SPE Long Le also confirmed that this rejoinder would also apply to apparatus (claims 83-90) and system (91-114) claims dependent from an allowable product claim or which include all the limitations of the allowable product claim. Independent claims 83 (apparatus) and 115 (method/process) recite all the limitations of product claim 79, which applicants believe is allowable, and therefore withdrawn non-elected apparatus, system and method/process claims 83-140 should be rejoined with product claims 79-81 and also examined. Rejoinder of the withdrawn apparatus, system, and method claims is respectfully requested.

Claims 79-82 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is obviated by the cancellation of claim 82 and the amendment to claims 79-81 without prejudice.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 79-82 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. This rejection is obviated by the amendment to the claims. Examiner Nolan stated at the interview on February 24, 2006, that once claim 79 is

Appln. No. 09/889,936
Amd. dated April 3, 2006
Reply to Office Action of October 6, 2005

allowable for being directed to an antibody with defined heavy and light chain variable region sequences, then any antibody which contains such defined heavy and light chain variable region sequences (containing the antigen-binding domain) would be considered to be adequately described and enabled.

Reconsideration and withdrawal of this rejection are therefore respectfully requested.

Claims 79-82 have been rejected under 35 U.S.C. §112, first paragraph, because the examiner states that while the specification is enabling for a polypeptide comprising SEQ ID NOs:6 and 8, it does not reasonably provide enablement for polypeptides that are less than 100% identical with the sequences of SEQ ID NOs:6 and 8. This rejection is also obviated by the amendment to claims 79 and 80.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 79-82 have been rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over Bastiaans, U.S. Patent 4,735,906. The rejections are obviated by the amendment to the claims.

Reconsideration and withdrawal of the rejections are therefore respectfully requested.

